

**To:** Schwab, Justin[schwab.justin@epa.gov]  
**From:** Fotouhi, David  
**Sent:** Fri 6/16/2017 6:39:55 PM  
**Subject:** FW: E&E News: Republicans push legislation to limit EPA vetoes, 6/16/17

**David Fotouhi**

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

**From:** McGonagle, Kevin  
**Sent:** Friday, June 16, 2017 1:31 PM  
**To:** AO OPA OMR CLIPS <AO\_OPA\_OMR\_CLIPS@epa.gov>  
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### **E&E News**

<https://www.eenews.net/greenwire/2017/06/16/stories/1060056170>

### **Republicans push legislation to limit EPA vetoes**

By Dylan Brown 6/16/17

House Republicans recommenced their push to rein in U.S. EPA's power to veto Army Corps of Engineers dredge-and-fill permits after recent controversies involving major mining projects.

Rep. Bob Gibbs (R-Ohio) introduced H.R. 2917, the "Regulatory Certainty Act," along with 14 GOP co-sponsors.

The corps issues Clean Water Act permits for earth-moving and disposal affecting waterways, but under Section 404(c), EPA may veto a permit or impose restrictions on those activities, which are particularly important to the mining industry.

Only 13 final vetoes have been issued since 1980, but lawmakers and industry allies say EPA has abused its power in several recent instances.

In 2011, EPA rejected Arch Coal Inc.'s permits for the Spruce mountaintop-removal coal mine in West Virginia several years after the Army Corps approved them.

In 2014, the agency also proposed restrictions to protect Alaska's Bristol Bay from mining before the massive Pebble mine project even entered permitting.

To eliminate both pre-emptive and retroactive vetoes, Gibbs' bill would only allow EPA to assert its authority after the Army Corps completes the permit processing. EPA would have at least 30 days to act.

"Why would entrepreneurs and small business owners risk capital by opening or expanding a business or product requiring a permit when a federal bureaucrat can revoke that permit without warning?" Gibbs said in a statement. "It is clear EPA needs to be reined in."

During the Obama administration, EPA officials protested that the agency was selective and precise when invoking its seldom-used authority. Conservationists lauded both the Spruce and Pebble decisions for protecting the environment and wildlife.

New EPA Administrator Scott Pruitt, however, has unabashedly pushed to pull his agency back. In the case of Pebble, EPA has already reached a legal settlement with the company behind the project to withdraw the proposed pre-emptive restrictions (Greenwire, May 17, 2017).

At the Spruce mine, federal courts upheld the veto, saying the statute gives EPA power to scrap Army Corps permits "whenever" it sees fit.

Pebble LP CEO Tom Collier told E&E News recently, "There is a great deal of political pressure that has been brought against that interpretation, and it's clear to me that this administration does not accept that interpretation."

Kevin McGonagle

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

[mcgonagle.kevin@epa.gov](mailto:mcgonagle.kevin@epa.gov)